

ENTERED

June 05, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

PAMELA LYNN and	§	CIVIL ACTION NO
WILSON LYNN, JR,	§	4:24-cv-00935
Plaintiffs,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
KAISER FOUNDATION	§	
HEALTH PLAN INC,	§	
<i>et al</i> ,	§	
Defendants.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiffs filed a Complaint on March 13, 2024, naming Kaiser Foundation Health Plan, Inc, the State of California, 23 other named Defendants, and Does 1–100, and alleging claims arising out of Plaintiff Pamela Lynn’s hospitalization in California in 2019. Dkt 1. The matter was referred for pretrial management to Magistrate Judge Christina A. Bryan. Dkt 15.

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A. Bryan recommending that this case be dismissed without prejudice for improper venue. Dkt 16. She also recommends denying Plaintiffs’ Motions to proceed *in forma pauperis*. Dkts 10, 11.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC §636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there’s no objection if satisfied that no clear error appears on the face of the record. See *Guillory v*

PPG Industries Inc, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

Plaintiffs have not filed specific objections to the Memorandum and Recommendation. Plaintiffs have objected to the referral to Magistrate Judge Bryan because they did not consent. Dkts 17, 18. But this matter was referred to Magistrate Judge Bryan pursuant to 28 USC §636(b) and Federal Rule of Civil Procedure 72 for report and recommendation. The case was not transferred to the Magistrate Judge based on consent pursuant to 28 USC §636(c) and Rule 73. This District Judge is the presiding judge.

No clear error appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 16.

A final judgment will enter separately.

SO ORDERED.

Signed on June 5, 2024, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Ch R Eskridge". The signature is stylized and written over a horizontal line.

Hon. Charles Eskridge
United States District Judge